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OPERATIONS CENTER

2005 SEP -1 A 11: 53

August 26, 2005

Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Re: MUR 5560
Attn: Mr. Cameron Thurber

2005 SEP -1 P 12: 49
RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

Dear Gentlemen:

I am Treasurer of the Case for Congress Committee (#C00382978). I respond to the telephone call I received this morning from Mr. Thurber. He advised me that the original letter from the FEC dated October 19, 2004 contained two different complaints. We had thought that MUR 5560 had one complaint, and responded by our letter dated October 27, 2004. By doing so we had thought that we were addressing all concerns of the FEC. We are sorry for this inadvertent omission and reply herewith to the second complaint with the same MUR number.

This second complaint involves only one basic issue. The complainant alleges that the Committee received cash contributions of more than \$50 from individuals without providing names, addresses, occupations, and employers of the contributors. In fact, the contributions represented a group of small cash contributions received from small contributors at fundraisers. The method of reporting conformed to Section 110.4(c), Section 110.4(c)(3), and Advisory Opinions 1981-48 and 1980-99.

The Campaign Committee receives contributions as a result of many different types of solicitations. These include (a) letters sent to individuals or organizations, (b) personal solicitations, and (c) fundraisers. We solicit attendance at fundraisers by sending invitations to persons or organizations on our mailing list and by advertising the event in newspapers. Most persons respond by sending checks, sending credit card authorizations, or using our website to make a credit card contribution.

We target different types of groups at fundraisers: (a) big contributors, in which case we have smaller, elite functions and ask for \$500, \$1,000, or \$2,000. We have a middle group where we ask for \$100, \$200, or maybe \$250. We also have "popular" fundraisers where the major objective is to attract a large of people who give smaller contributions. We have used \$10, \$20, \$25, and \$35 for this type of fundraiser.

Invitees for the most part send in checks in advance, or write checks at the door. However, many people at the "popular" fundraisers show up at the event without prior notice.

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4839-7141-2992 1

Case/Congress • Crystal Rose, Chair • PO Box 4618 • Kaneohe, HI 96744 • Ph (808) 942-7179 • edcase@edcase.com • www.edcase.com
Kauai: P.O. Box 1986, Lihue, Kauai, 96766 • **Maui:** P.O. Box 2597, Wailuku, Maui, 96793 • **Hawaii:** 68 Kekuanooa St., Hilo, Hawaii 96720

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We always ask everyone to sign a register when they arrive giving us their name, address, and telephone number. They usually give us a check for the stated price of admission. In some cases, however, they proffer cash. In all cases where they are either giving us a check or cash we ask them to sign a "blue card" which gives us their name, address, occupation, employer, telephone number, and E-mail address. If they give us less than \$50 in cash, we don't press the request. But if they give us over \$50 in cash, we advise them that we need their address (which we should already have in any case in the register). But it is very uncommon for anyone to proffer more than \$50 in cash; at that higher level they write a check.

The persons at the receiving table count the cash at the end of the event and turn it over to the Treasurer or Assistant Treasurer, or, if neither is present, to the Manager of the event. The cash is then given to the Treasurer or Assistant Treasurer, who makes a deposit of the cash into the checking account, in which he/she aggregates all of the cash into one deposit. The amount and description as "Cash" is entered into the check register which then becomes part of the Form 3 report.

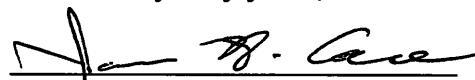
The four entries described as "Cash" were the result of cash being contributed at a fundraiser. Following are more details:

(1) The entries of cash in the amounts of \$810 on December 19, 2003 and \$200 on December 31, 2003, were received in cash at a fundraiser on the island of Maui. The ticket price was \$20 per person. Our check register and Form 3 report shows many contributions in that time period from contributors who live on the island of Maui, attended the fundraiser and contributed by means of a check. People paying in cash would have paid \$20 per person.

(2) The entries of cash in the amounts of \$300 on May 26, 2004 and \$476 on June 1, 2004 were received in cash at a fundraiser at Kona on the island of Hawaii. The ticket price was \$35. Our check register and Form 3 report shows many contributions from contributors with addresses in the Kona area in that time period and who gave checks. People paying cash would have given \$35 per person.

In conclusion, we do not believe that we accepted cash exceeding \$50 from any one contributor. The Advisory Opinions reflect that small contributions may be aggregated and reported in the way that we reported them. Otherwise, all campaigns would be required to file numerous independent reports for a large number of small cash contributors.

Very truly yours,


James H. Case, Treasurer

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STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)


JAMES H. CASE, being first duly sworn on oath, deposes and says that:

I am an attorney licensed to practice law in the State of Hawaii, and am also Treasurer of the Case for Congress Committee (#C00382978).


I prepared the letter from me to the Federal Elections Commission dated August 26, 2005, in response to Complaint filed with the FEC (MUR 5560), a copy of which letter is attached to the affidavit.

All facts set forth in the above-mentioned letter are true and correct to the best of my knowledge.

Further affiant sayeth naught.


JAMES H. CASE

Subscribed and sworn to before me
this 24th day of August, 2005.


Notary Public - State of Hawaii
MARIE VON BENB

Notary Public - State of Hawaii
MARJORIE VON BERG

My commission expires: 3/20/08

L.S.